

REMARKS

Reconsideration of the application is requested.

Claims 13-33 remain in the application and are subject to examination.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claims 13-19, 23-25, and 29-33 have been rejected as being fully anticipated by U.S. Patent No. 6,373,428 to McEwan under 35 U.S.C. §102. Applicants respectfully traverse.

Claim 13 defines a transceiver assembly including, inter alia,

a transmitter for sending a transmission signal; and

a receiver for receiving a reflection signal formed by a reflection of the transmission signal, said receiver having a receiving oscillator with a transient response influenced by the reflection signal.

Applicants believe it is clear that McEwan:

- 1) does not teach that the transient response of the receiving oscillator is influenced; and
- 2) does not teach that the received signal itself influences the oscillator or the transient response of the oscillator.

McEwan teaches a high accuracy swept timing circuit that can be used for providing a precise clock system for a timing application, for example, a pulsed radio requiring high stability and accuracy. The frequency FT of a transmitter and the frequency FR of a receiver are generated by respective oscillators. The transmit frequency FT and the receive frequency FR shall slightly differ by an amount D called "slip rate" such that a smooth phase "slip rate" occurs between them. The slip rate D and the receiver frequency FR respectively, are to be accurately controlled. This is done by providing a control system that regulates the frequency FR of the receiver using a frequency lock loop. Thus, McEwan only controls the receiver frequency FR.

Applicants point to column 4, lines 9-16 and lines 41-46, and to column 5, lines 36-62 of McEwan to provide additional support for the assertion that only a difference frequency Δ of the second crystal oscillator 22 is controlled. McEwan does not teach that the transient response of the receiving oscillator is influenced by the reflection signal.

Applicants also believe it should be clear that the invention defined by that claims 23 and 32 is not anticipated for the reasons discussed above relating to the teaching of McEwan.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claims 20-22 and 26-28 have been rejected as being

obvious over U.S. Patent No. 6,373,428 to McEwan in view of U.S. Patent Application Publication US 2002/0064245 to McCorkle under 35 U.S.C. § 103. Applicants respectfully traverse.

Applicants believe that even if it were obvious to combine the teachings of the references, the invention defined by claims 20-22 and 26-28 would not have been obtained for the reasons discussed above relating to the teaching of McEwan.

Additionally, applicants state that they believe there is no reason why one of ordinary skill in the art would have attempted to combine the teachings. McCorkle describes a self-noise cancellation mechanism that reduces performance degradation resulting from self-generated noise. A received signal is correlated with different candidate signals of known phase and frequency to determine when the receiver is synchronized with the received signal. When the signals are finally correlated with one another, a high signal-to-noise ratio is assured.

McEwan and McCorkle deal with completely different technical problems. McCorkle is not concerned with measuring a distance. Applicants consequently believe that one of ordinary skill in the art evaluating the teaching of McEwan would not consider McCorkle to be relevant for assessment. Applicants also believe that since there is no advice or motivation in McEwan or McCorkle for combining their disclosures, it is not obvious to modify McEwan

using the disclosure of McCorkle.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 13, 23, or 32. Claims 13, 23, and 32 are therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on one of those independent claims.

In view of the foregoing, reconsideration and allowance of claims 13-33 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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